

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GERALD A. KELLOGG,)	
)	8:07CV70
Plaintiff,)	
)	
vs.)	ORDER
)	
NIKE, INC., et al.,)	
)	
Defendant.)	

This matter is before the court following a telephone conference with counsel on October 5, 2007. The court will defer a planning conference to schedule this matter to trial until after the court's ruling on a claim construction (*Markman*) hearing.

IT IS ORDERED:

1. A *Markman* hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, commencing **at 1:30 p.m. on October 18, 2007.**

2. **Ten calendar days** following the court's ruling on the claim construction, the parties shall confer by telephone conference with the undersigned magistrate judge regarding scheduling this matter to trial. Counsel for the plaintiff shall schedule and initiate the telephone conference.

DATED this 5th day of October, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge